UNITED
NATIONS

E

Economic and Social
Council

Distr
GENERAL

E/CN.4/2000/83
26 January 2000

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-sixth session
Item 14 (c) of the provisional agenda

SPECIFIC GROUPS AND INDIVIDUALS: MASS EXODUSES AND DISPLACED PERSONS

Internally displaced persons

Report of the Representative of the Secretary-General, Mr. Francis M. Deng, submitted pursuant to Commission on Human Rights resolution 1999/47

GE.00-10403 (E)

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Executive summary

In 1992, in response to growing international concern about the large number of internally displaced persons throughout the world and their need for assistance and protection, the United Nations Secretary-General, at the request of the Commission on Human Rights, appointed for one year a Representative on internally displaced persons (Commission resolution 1992/73). The Representative was requested to prepare a comprehensive study identifying existing laws and mechanisms for the protection of internally displaced persons, additional measures to strengthen implementation of these, and alternatives for addressing protection needs not adequately covered by existing instruments. The mandate of the Representative since has been renewed three times (resolutions 1993/95, 1995/57 and 1998/50) and the Representative has been requested to continue his analysis of the causes of internal displacement, the needs of those displaced, measures of prevention and ways to strengthen protection, assistance and solutions for the internally displaced. The Representative is requested to do so through dialogue with Governments, intergovernmental, regional and non-governmental organizations, and by taking into account specific situations.

The Representative reports annually to the Commission and biennially to the General Assembly. The present report provides an overview of developments in the work of the mandate of the Representative since the last report to the Commission (E/CN.4/1999/79 and Add.1-2). It is intended to complement the report presented to the General Assembly at its most recent session (A/54/409).

The main report provides an overview of developments in the various areas of work of the mandate, specifically: the Guiding Principles on Internal Displacement; the institutional framework; the country focus; exploring new issues; and setting out the future directions for the mandate.

There are three addenda to the report. Addendum 1 consists of a report of the Representative's follow-up mission to Colombia to study the situation of internal displacement and contains recommendations to the Government and the international community for addressing it more effectively. Addendum 2 is a summary report of a workshop on internal displacement in Colombia which immediately followed the Representative's official mission to that country. Addendum 3, the publication of which will depend on demands upon conference services, is to consist of a report of the Representative's mission to East Timor, scheduled for February/March 2000.

Introduction

1. "How to help millions of the world's most vulnerable people who are internally displaced", the cover of a December 1999 publication of the Office of the United Nations High Commissioner for Refugees (UNHCR) reads, is "the hot issue for a new millennium". Indeed, the issue of internal displacement has become a cutting-edge issue in two respects. First, there has grown in recent years greater international awareness of the problem - not only of its scope and magnitude but also of the need to address it effectively. At the same time, protecting and assisting persons who remain within the borders of their own State still is a sensitive and challenging issue, for which no easy and ready-made international strategies exist.

2. Kosovo, East Timor, Chechnya, crises which have dominated the headlines this past year, illustrate that the global crisis of internal displacement is increasing, with new situations continuing to emerge and responses to them varying significantly. Meanwhile, longer-standing situations such as in Afghanistan, Angola, Burundi, Colombia, Sri Lanka and the Sudan continue to deteriorate. Others, in Azerbaijan and Georgia, for example, stagnate without durable solutions in sight. Still others, as in Algeria, Myanmar and Turkey, are occurring largely outside of international view.

3. On the positive side, in the past few years, greater awareness and understanding of this tragic phenomenon have led to important developments in the normative and institutional frameworks which have set the stage for improved responses at the international, regional, national and local levels. And yet, millions of internally displaced persons the world over remain in desperate need of assistance and, especially, protection. Their plight provides a sobering indication that notwithstanding the progress achieved to date, considerable work remains to be done.

4. This report provides both an overview of developments in the work of the mandate over the past year as well as an indication of where greater efforts are required. It is organized into five substantive sections, specifically concerning: the Guiding Principles on Internal Displacement; the institutional framework; the country focus; an agenda for research; and future directions for the mandate.

I. THE GUIDING PRINCIPLES ON INTERNAL DISPLACEMENT

5. Recalling the relevant norms of international human rights instruments, international humanitarian law and refugee law, the Commission has recognized that the protection of internally displaced persons has been strengthened by identifying, reaffirming and consolidating specific rights for their protection and assistance, in particular through the Guiding Principles on Internal Displacement (E/CN.4/1998/53/Add.2). The Guiding Principles, the formulation and content of which have been detailed in previous reports, set out the rights and guarantees under international law relevant to the protection of internally displaced persons in all phases of displacement. This past year, an annotated version of the Principles which explains the legal provisions upon which they are based has been prepared by Dr. Walter Kälin, chair of the legal team that assisted the Representative in drafting the Principles, and has recently been published by the American Society of International Law and the Brookings Institution Project on Internal Displacement.

6. In addition, the development of the Guiding Principles has been the focus of one of a number of case studies undertaken within the framework of the Global Public Policy Project, directed by the Representative and Wolfgang Reinicke of the World Bank, which forms part of a United Nations Foundation project entitled "Visioning the UN". Prepared by Simon Bagshaw, the case study examines the collaborative nature of the process of developing the Guiding Principles, which brought together a broad range of governmental, intergovernmental and non-governmental actors. On the basis of the findings of this and other case studies, the Global Public Policy Project aims to develop proposals on how the United Nations could play a lead role in strengthening or, when necessary, launching similar networks to address specific policy issues.

A. Recent responses to the Principles

7. At the last session of the Commission, and further to its request, the Representative reported on the views on the Guiding Principles expressed to him by Governments, intergovernmental organizations and non-governmental organizations (NGOs) (E/CN.4/1999/79, paras. 14-34). Views subsequently expressed are presented below.

8. The General Assembly previously had acknowledged the Guiding Principles in the context of its consideration of agenda items concerning the rights of the child and the Office of the United Nations High Commissioner for Refugees (UNHCR).[1] However, owing to the biennialization of the agenda item on internally displaced persons, it was only at its most recent session that the Assembly commented on the Principles in some detail. In resolution 54/167 adopted at its fifty-fourth session, the General Assembly noted the development by the Representative, on the basis of his compilation and analysis of legal norms, of a comprehensive framework for the protection of internally displaced persons, in particular the Guiding Principles on Internal Displacement.[2] As had the Commission, the Assembly welcomed the fact that the Representative has made use of the Guiding Principles in his dialogue with Governments and intergovernmental and non-governmental organizations, and requested him to continue his efforts in that regard. Furthermore, the Assembly noted with appreciation that United Nations agencies and regional and non-governmental organizations are making use of the Principles in their work and encouraged the further dissemination and application of the Principles.

9. The Security Council is another forum in which views on the Principles have been expressed. This has occurred in the context of the Council's focus this past year on the issue of the protection of civilians in armed conflict. With armed conflict being the principal cause of internal displacement and protection the most critical need of the populations affected, the plight of the internally displaced proved to be a key concern raised in the consideration of this theme. The Statement by the President of the Security Council (S/PRST/1999/6), made after the Council's first consideration of the issue in February 1999, expressly referred to internally displaced persons as among the vulnerable groups of civilians. A number of speakers underscored the importance of a normative framework for ensuring their protection (see S/PV.3977). The representative of Canada highlighted the emergence of new standards to address the changing nature of conflict, for example, with respect to the internally displaced. The representative of the United Kingdom praised the codification of principles regarding internally displaced persons and stressed the need for a mechanism to ensure that these are observed. The representative of the Gambia expressed the hope that in the year of the

fiftieth anniversary of the Geneva Conventions, the international community would adopt an appropriate normative framework for internally displaced persons. The Special Representative of the Secretary-General on Children and Armed Conflict, emphasizing the gravity of the situation of the internally displaced, stressed the urgency of doing so.

10. To further its consideration of the item, the Council requested the Secretary-General to prepare a report containing concrete recommendations on ways in which it could improve the physical and legal protection of civilians in situations of armed conflict, including by identifying contributions that the Council could make towards the effective implementation of existing humanitarian law and examining whether there are any significant gaps in existing legal norms (see S/PRST/1999/6). In his report to the Council (S/1999/957), the Secretary-General identified internal displacement as one of the issue areas in which there were gaps in existing international law. It was noted that in the absence of a specific international legal framework spelling out the rights and freedoms of internally displaced persons, the Representative had compiled the Guiding Principles on Internal Displacement based on existing instruments in international humanitarian and human rights law. The Secretary-General recommended that the Security Council encourage States to follow the legal guidance in the Guiding Principles in situations of mass displacement.

11. In the discussion of the Secretary-General's report (S/PV.4046 and Resumption 1 and Corr.1 and Corr.2 and Resumption 2), the representative of Canada stated its full support for the Secretary-General's focus on addressing the rights and needs of internally displaced persons in situations of armed conflict. The representative of India noted that wide international acceptability of the Principles would be needed for the Council to encourage States to abide by them and that internal displacement is the responsibility of the States concerned. While concurring that the primary responsibility for the protection and assistance of internally displaced persons lies with the Government of the State concerned, the representative of the European Union, speaking also for Bulgaria, the Czech Republic, Estonia, Latvia, Lithuania, Poland, Romania and Slovakia, supported the wider use of the Principles in the work of the United Nations at the country level.

12. In a separate debate of the Council focusing on children and armed conflict, the Special Representative of the Secretary-General on this issue underlined the need and the urgency of the international community to find a way to provide more systematic protection and practical support to the millions of persons, most of whom are women and children, presently displaced within their own national borders. Towards this end, he called for the wide dissemination and use of the Guiding Principles by Governments, parties in conflict and the humanitarian community (see S/PV.4037).

13. The Economic and Social Council also has continued to devote attention to the issue of normative standards relating to internal displacement, in particular in the context of its second Humanitarian Segment held in Geneva in July 1999. The Secretary-General, in his report to the Council on strengthening of the coordination of emergency humanitarian assistance of the United Nations (A/54/154-E/1999/94), noted that direct attacks on civilian populations, in flagrant violation of international humanitarian law and human rights law, and leading to massive forced displacement and loss of life, constituted the most serious challenges to humanitarian agencies. Stressing that the environment for humanitarian action can be improved

through the development and dissemination of international laws and norms relating to the rights of civilians, the Secretary-General noted that the Guiding Principles have quickly begun to gain authority and international standing. Reference was made to the active dissemination of the Principles, to the organization by the Representative, international agencies and NGOs of regional meetings to discuss their application in the field, and to the use of the Principles by regional organizations. The Council, in its agreed conclusions 1999/1, called on all States to apply internationally recognized norms with regard to internally displaced persons. It also took note of the fact that the Inter-Agency Standing Committee (IASC) is using the Guiding Principles.

14. The Executive Committee (ExCom) of UNHCR is another forum in which views on the Principles have been expressed. This past year, at the fiftieth session of ExCom, the representative of Norway stressed the need to ensure respect for international humanitarian law and human rights law in order to better protect the internally displaced and referred to the Guiding Principles as a useful and welcome tool in this regard. The representative of Sweden stated that the Guiding Principles should be effectively implemented and called on UNHCR to keep the Standing Committee of ExCom informed of this matter. The representative of the United States indicated that the plight of internally displaced persons was among its priority concerns. In particular, it expressed concern about the "uneven and too often inadequate protection currently afforded" to the internally displaced, stressing that the United Nations system as well as Member States must develop more predictable responses for ensuring that internally displaced persons receive the care and protection they need. The work of the Representative in developing the Guiding Principles and advocating close cooperation among the relevant organizations of the United Nations, the International Committee of the Red Cross (ICRC), NGOs and States was commended. The United Nations High Commissioner for Human Rights, in her statement to ExCom, also highlighted the usefulness of the Principles and referred to Colombia as an example where the Office of the High Commissioner for Human Rights (OHCHR) and UNHCR are working closely to support national protection mechanisms for the internally displaced. UNHCR, in its Note on International Protection (A/AC.96/914), elaborated upon the example of Colombia, noting that its programme to reinforce the legal, policy and institutional frameworks for internally displaced persons in this country centres around the implementation of the Guiding Principles, with linkages to broader efforts to uphold international humanitarian law and to strengthen respect for human rights. In the Conclusions on International Protection adopted by the meeting (A/AC.96/928, sect. III.A) ExCom reiterated the relevance of the Guiding Principles and reaffirmed its support for UNHCR's role with internally displaced persons on the basis of the criteria specified by the General Assembly (ibid., para. 20 (t)).

15. The twenty-seventh International Conference of the Red Cross and Red Crescent, held in Geneva from 31 October to 6 November 1999, which focused on improving the care and protection of victims of armed conflicts and natural disasters, also placed special emphasis on the normative framework for the protection of internally displaced persons. The Plan of Action adopted by the Conference sets out a number of measures in this regard.[3] In the conduct of hostilities, and in addition to the total ban on direct attacks against the civilian population and civilian objects, every effort is to be made by the parties to a conflict to spare, protect and respect the civilian population, with particular measures for groups with special vulnerabilities, including displaced persons. Parties to an armed conflict are to take effective measures to ensure

that actions provoking unwarranted population displacements are avoided. If displacement occurs, they are to ensure that displaced persons are respected and protected, that appropriate assistance is provided to them and that they are able to return voluntarily, in peaceful conditions and in safety to their home or to resettle voluntarily elsewhere. Towards the goal of providing for the rights and acute needs of the most vulnerable people as the first priority for humanitarian action, the Plan of Action states that National Societies, the International Federation of Red Cross and Red Crescent Societies and ICRC, taking note of the Guiding Principles on Internal Displacement, may offer their services on behalf of internally displaced persons and are to extend their support to States in fulfilling their obligations to assist and protect internally displaced persons. The representative of Austria, in remarks made in the plenary session on the theme of strategic partnership to improve the lives of vulnerable people, called upon all States to implement the Guiding Principles through increased cooperation with National Societies.

16. OHCHR and the special mechanisms of the Commission, for their part, have continued to be engaged in the promotion and application of the Guiding Principles. The Principles formally were presented by the Representative to his colleagues at the annual meeting of special rapporteurs/representatives and independent experts held in Geneva in May. The discussion on the Principles was very positive, with a number of the participants noting the relevance and usefulness of the Principles to their work as well as the importance of mechanisms of the Commission being engaged in addressing the protection needs of the internally displaced. A number of the country-specific as well as thematic special rapporteurs and independent experts have begun to refer to the Guiding Principles in their reports and urgent appeals. Plans are under way for the Representative to also present the Guiding Principles to the treaty bodies and to provide them with relevant information on situations of internal displacement in the countries under consideration. The Commission has welcomed the attention paid by relevant special rapporteurs, working groups, experts and treaty bodies to issues of internal displacement and has called upon them to continue to seek information on situations which have already created or could create internal displacement and to include relevant information and recommendations thereon in their reports and make them available to the Representative.

17. The Guiding Principles also were placed on the agenda of the second annual meeting of the heads of OHCHR field presences held in Geneva in September. The Principles already had been disseminated by the Office to all staff, including those in the field presences, last year. The purpose of the discussion on the Guiding Principles held at the meeting of the heads of field presences was to review the experience of field staff in dealing with internally displaced persons, the role they might play in improving the international response to their protection needs and the operational and other requirements necessary to strengthen such a role. The review of OHCHR field presences conducted in 1998 by the High Commissioner's Special Adviser, Ian Martin, had recommended that OHCHR, in cooperation with the Representative, play an active role in inter-agency discussions aimed at a better field response to the plight of internally displaced persons and that this should be reflected in the mandate and working arrangements of the field presences. A project to support the field presences in this regard, and having the promotion and application of the Guiding Principles as its cornerstone, is being developed by the Office. The Commission has called upon the High Commissioner to develop projects in the framework of the Office's programme of advisory services and technical cooperation to promote the human rights of internally displaced persons.

18. Regional organizations also have continued to devote attention to the Principles. The Organization of African Unity (OAU) Ministerial Meeting on Refugees, Returnees and Displaced Persons in Africa held in Khartoum in December 1998, had recommended that the Guiding Principles be submitted to the OAU Commission on Refugees for consideration at its next session. In accordance with this request, the Representative was invited to present the Principles to the OAU Commission on Refugees at its thirtieth session, held in Addis Ababa in June 1999. The climate of discussion on the Principles proved to be positive and constructive, with virtually all speakers prefacing their comments with an expression of appreciation of the Representative's preparation of the Principles and their presentation to this forum. A call was made for increased awareness in Africa of the Principles, with the suggestion that a promotional campaign, including seminars, workshops and round tables, be launched by OAU and other relevant actors for that purpose. The meeting ended its discussion of the item by taking note of the Principles with interest and appreciation.

19. This decision of the OAU Commission on Refugees then was submitted to the OAU Council of Ministers at its seventieth ordinary session held in Algiers in July. The OAU Secretary-General, in his report on the above-mentioned session of the Commission on the situation of refugees, returnees and displaced persons in Africa, highlighted the decision of the Commission taking note of the Guiding Principles with interest and appreciation. The report also provided an overview of the aforementioned workshop held in Addis Ababa in October 1998, making express reference to the emphasis of the workshop on the need to promote the dissemination and application of the Guiding Principles throughout Africa and to explore the role of Africa's regional and subregional organizations in addressing the problem of internal displacement.

20. In the Americas, the Inter-American Commission on Human Rights of the Organization of American States (OAS) has welcomed and expressed its full support for the Guiding Principles, noting that they are the most comprehensive restatement of norms applicable to the internally displaced and, as such, provide authoritative guidance to the Commission on how the law should be interpreted and applied during all phases of displacement. The Commission as well as its rapporteur on internally displaced persons have begun to apply the Principles in their work.[4]

21. The Organization for Security and Cooperation in Europe (OSCE) has circulated the Principles among its participating States and to its Human Dimension seminar concerning the role of the OSCE field missions in human rights work. The OSCE Office for Democratic Institutions and Human Rights (ODIHR) is collaborating with the Representative in convening seminars on the Principles in OSCE countries affected by internal displacement (see subsection C below). Moreover, the Representative has been invited to make a formal presentation of the Principles to the OSCE this year.

22. NGOs have continued to be especially active in promoting the Guiding Principles and applying them to their work with the displaced. Amnesty International has begun to systematically apply the Principles in monitoring and making recommendations for improving responses to situations of internal displacement the world over.[5] The Norwegian Refugee Council (NRC) continues to promote the Principles through its various activities on internal displacement, of which a number will be elaborated upon throughout this report. National NGOs

also have been active in promoting and applying the Guiding Principles to their country context. In the Philippines, for example, the Ecumenical Commission for Displaced Families and Communities (ECDFC) has convened a forum discussion on the Principles[6] and, in collaboration with NRC, recently held a training workshop on them (see below, subsection C).

B. Dissemination and application of the Principles

23. Both the Commission and the General Assembly have noted with appreciation that United Nations agencies and regional and non-governmental organizations are making use of the Guiding Principles in their work and have encouraged the further dissemination and application of the Principles. Regarding dissemination, a number of initiatives undertaken this past year illustrate the global reach of these efforts as well as the partnerships among United Nations agencies, NGOs and Governments that these involve. The reproduction by the Office for the Coordination of Humanitarian Affairs (OCHA) of the Guiding Principles in booklet form is now available in English, French, Spanish and Portuguese and has been disseminated widely throughout the world. Multiple copies of these booklets have been sent to the OHCHR field presences in the relevant languages. In Georgia, OCHA has reproduced in booklet form the translation of the Principles into Georgian that was undertaken last year by a local NGO with the support of UNHCR. In Sri Lanka, UNHCR has worked with OCHA to reproduce the booklet in Sinhalese and Tamil. In Colombia, UNHCR and the office of the Defensor del Pueblo (Ombudsman) jointly have reproduced a booklet containing the Guiding Principles in Spanish as part of a public awareness campaign on the grave situation of internal displacement in that country. In the Philippines, the Guiding Principles have been reprinted as a booklet by the local NGO ECDFC with the support of UNHCR, the Office of the Presidential Adviser on the Peace Process, the United Nations Information Centre and the Philippines Human Rights Information Centre, for the stated purpose of reaching out to government leaders, lawmakers, parties involved in armed conflicts and land intrusions, NGOs and all those involved in the phenomenon of internal displacement.

24. Globally, a number of materials have been developed this past year to promote application of the Principles. At the request of international agencies and NGOs, the Representative commissioned a Handbook for Applying the Guiding Principles on Internal Displacement that spells out the meaning of the Guiding Principles in non-technical language. Prepared by Dr. Susan Forbes Martin, an expert in forced migration, with the support of the Brookings Institution Project on Internal Displacement, the Handbook was reviewed by representatives of United Nations agencies and NGOs at a meeting convened by OCHA in New York in April. The Handbook, with a foreword by the Representative, will be published by OCHA.

25. The Handbook will be disseminated by OCHA as part of a package which will also include a Manual of Field Practice in Internal Displacement: Examples from UN Agencies and Partner Organizations of Field-Based Initiatives Supporting Internally Displaced Persons. The Manual, which contains more than 60 examples of field programme initiatives supporting application of the Guiding Principles, aims to stimulate practitioners in their own programme design for addressing the needs of the internally displaced. Prepared under the direction of the

United Nations Children's Fund (UNICEF), with the support of OCHA and the office of the Representative, the Manual was finalized at an expert meeting in March. It is being published by OCHA with a foreword by the Emergency Relief Coordinator (ERC).

26. The need for training in the legal norms dealing with the protection of and humanitarian assistance to internally displaced persons was among the recommendations of IASC in its Review of the Capacity of the United Nations System for Humanitarian Assistance of 15 October 1998. Shortly after these recommendations were finalized, the IASC Task Force on Training reaffirmed the need for inter-agency training material on internally displaced persons. In the last year, concrete steps have been taken to develop such training material. OCHA was requested to collect and evaluate relevant existing training material and, in collaboration with the Representative, to develop a proposal of what was still required. The draft modules developed by NRC and OHCHR, which were tested at the above-mentioned workshop in Uganda, were among the existing training materials to be drawn upon in the development of an inter-agency training package. In May, a meeting among IASC focal points on internally displaced persons reviewed the proposal and endorsed UNICEF and NRC acting as focal points for the development of the training package.

27. The objectives of the training package are: to promote the Guiding Principles, to increase sensitivity to the protection, assistance and development needs of internally displaced persons, and to improve responses to those needs. Middle-level management and programming field staff of international agencies and NGOs as well as government authorities with responsibilities for the internally displaced comprise the target audience. The subjects to be covered by the training modules are: the definition of internally displaced persons; the legal origins of the Guiding Principles; the institutional framework; and the different phases of displacement - protection from arbitrary displacement, protection during displacement, and durable solutions of return or resettlement and reintegration. Staff from a number of IASC members and partner agencies, including OHCHR, are involved in the preparation of the modules, which will be reviewed at an expert meeting and submitted to IASC for review in the spring of 2000. Of course, training on the Guiding Principles and internal displacement must go beyond the IASC framework to reach all those with a role to play in addressing the plight of the internally displaced. The recent request of the Security Council for the Secretary-General to ensure that United Nations personnel involved in peacemaking, peacekeeping and peace-building activities have appropriate training in international humanitarian, human rights and refugee law (Security Council resolution 1265 (1999)), is relevant in this regard.

28. Seminars and workshops on the Guiding Principles are another means of promoting their dissemination and application. The Commission has welcomed the fact that the Representative has made use of the Guiding Principles in his dialogue with Governments and intergovernmental organizations and NGOs, in particular in the framework of seminars on displacement, and has requested him to continue in that regard. Specific mention was made of the seminar held under the auspices of OAU in Addis Ababa in 1998. The report of this workshop was presented, to the Commission at its last session (E/CN.4/1999/79/Add.2). It also has been reproduced, along with the various papers presented as well as a foreword by the Representative, in a special issue of Refugee Survey Quarterly, published by UNHCR.[7]

29. Since the last session of the Commission, additional such seminars and workshops have been planned or indeed have already been held in other regions of the world. From 27 to 29 May 1999, a Workshop on Implementing the Guiding Principles on Internal Displacement was held in Bogotá, Colombia, co-sponsored by the Brookings Institution Project on Internal Displacement, a consortium of local NGOs working with the internally displaced (Grupo de Apoyo a Organizaciones de Desplazados (GAD)), and the United States Committee for Refugees (USCR). The workshop brought together government officials, local NGOs, international NGOs and agencies, and representatives of internally displaced communities for the purposes of analysing the situation of internal displacement in Colombia on the basis of the Principles and discussing strategies for enhancing their application. A final declaration of the seminar prepared by GAD acknowledged the relevance of the Guiding Principles to the situation of internal displacement in Colombia, noting that they set out the minimum standards that should be respected and guaranteed, and stressing the importance of putting the Principles into practice. Government representatives at the workshop pledged to hold meetings with NGOs in order to develop strategies in this regard. The proceedings of the workshop have been published by GAD in the Spanish volume Memorias.[8] An English summary of the workshop report is contained in Addendum 2 and also has been published by the Brookings Institution Project on Internal Displacement.

30. In February 2000, a regional conference on internal displacement in Asia will be held in Bangkok. Co-sponsored by UNHCR, the Brookings Institution Project, the NGO consortium Forum Asia, NRC and USCR, the conference will be hosted by the Asian Research Centre for Migration of Chulalongkorn University and Forum Asia. The purposes of the conference will be: to promote the dissemination and application of the Guiding Principles; to share information on internal displacement in the Asian region, including its causes and impact, and identifying "good practices" in addressing the problem at the local, national, subregional and regional levels; to encourage greater attention to the problem by regional and subregional organizations; and to promote linkages and networking within the region towards the development of more regular and systematic documentation and monitoring of the problem. Representatives of local and international NGOs and of academic and research institutions as well as journalists from 15 Asian countries and territories (Afghanistan, Bangladesh, Cambodia, China, East Timor, India, Indonesia, the Lao People's Democratic Republic, Malaysia, Myanmar, Nepal, Pakistan, Philippines, Sri Lanka and Thailand) will be invited to participate, along with the Representative, representatives of regional organizations, international organizations and international experts. A report of the workshop, along with the papers presented, will be published in a forthcoming edition of Refugee Survey Quarterly. The report of the workshop also will be submitted to the Commission at its next session.

31. In May, a regional workshop on internal displacement in the South Caucasus is being planned in Tbilisi. Co-sponsored by OSCE/ODIHR and the Brookings Institution Project, the workshop will focus on the situation of the estimated 800,000 internally displaced persons in Azerbaijan, Armenia and Georgia who have been uprooted for several years now but lack a durable solution to their plight. The specific purposes of the workshop are: to inform Governments and NGOs in the region of international standards on internal displacement and to promote their application in the region; to stimulate the development of institutional and legal frameworks for addressing internal displacement and to reinforce the work of those in Government and civil society who are interested in strengthening local and national capacities;

to identify "best practices" at the local, national, regional and international levels; and to focus the attention of the international community on the plight of the internally displaced in this region. Freedom of movement, safe return, alternatives to return, property compensation and restitution, political participation and the particular needs of internally displaced women and children are among the specific issues to be addressed. The Representative, who by the time of the workshop is to have visited all three countries concerned, will share the findings of his country missions on these and other issues (see E/CN.4/1999/79/Add.1 and below sect. IV). In addition to the Representative, participants are to include local NGOs, academics and lawyers, government officials dealing with the issue of internal displacement or forced migration, representatives of displaced communities, representatives of international organizations and NGOs working in the region and international experts on the specific issues to be addressed. It is to be hoped that the workshop will play an important catalytic role in encouraging dialogue between government officials and NGOs, helping to depoliticize the issue, promoting durable solutions for the displaced, and reinforcing the capacities of local organizations.

32. Additional workshops and seminars on internal displacement are currently being considered at the subregional or country level in Africa, as a follow-up to the workshop on internal displacement in Africa held in Addis Ababa in October 1998. The need for increased awareness of the Principles in Africa, in particular through a promotional campaign including seminars, workshops and round tables, was highlighted in the aforementioned recent discussion on the Guiding Principles by the OAU Commission on Refugees.

33. The convening of regional workshops on internal displacement will continue to be a priority area of activity of the Brookings Institution Project, which the Representative co-directs. In addition, the Representative is also encouraging others to host such workshops. NRC has been particularly active in this regard. At the request of the Government of Uganda and in cooperation with OHCHR, it organized a workshop on the Guiding Principles in Kampala last March.[9] The objectives of the workshop were: to promote, disseminate and operationalize the Principles in Uganda; to promote dialogue among members of the internally displaced community, local NGOs, international organizations and NGOs and governmental authorities on the protection and assistance needs of internally displaced persons in the country; and to encourage organizations working with the displaced to share among themselves their work experience and best practices. Workshop participants, which included political and military authorities, local NGOs and human rights experts, representatives of internally displaced communities and representatives of international humanitarian and development agencies operating in the country, agreed that the Principles should be disseminated widely to all relevant actors, including by means of radio programming and the translation of the Principles into local languages. In addition, local-level training workshops for the military, representatives of internally displaced communities, Church leaders and NGOs on the Guiding Principles and human rights were advocated. The international community was called on to assist such promotional and training activities through the mobilization of resources and the provision of technical assistance.

34. Building upon the success of the workshop in Uganda, NRC is supporting similar such workshops in other countries. In November, it co-sponsored with the local NGO ECDFC a workshop in the Philippines on the Guiding Principles.[10] Participants in the workshop included government officials, local NGOs and representatives of relevant international agencies. Both

the Representative and the OHCHR staff person supporting his mandate also had been invited to attend the workshop and, as indicated in the Representative's report to the General Assembly (A/54/409, para. 49), were planning to attend. However, at the request of the Government, their trip to the country to participate in the workshop had to be cancelled. That the Representative be invited to conduct an official visit to the Philippines to dialogue with the Government on the situation of internal displacement and to jointly seek ways of supporting implementation of the Guiding Principles was among the recommendations of the workshop.

C. Need for a monitoring mechanism

35. While continuing to encourage these various efforts to monitor and promote application of the Principles, the time has now come to also consider mechanisms for doing so more systematically. The need for a mechanism to ensure that the Principles are being observed was stressed by the representative of the United Kingdom in the debate in the Security Council on the protection of civilians in armed conflict. The Representative, in a recent article in the Forced Migration Review (January 2000), has formally called for monitoring machinery for the Principles. Indeed, it is to be hoped that over the next decade monitoring machinery will be created at the international, regional and national levels so as to promote the widest and most effective implementation of the Principles worldwide. A number of different types of machinery for encouraging and monitoring the implementation of non-binding standards already exist. Options in this regard, as well as other next steps to promote the application of the Principles worldwide, will be considered at a meeting of experts to be hosted by the Government of Austria in September 2000.

II. TOWARDS AN AGREED AND SYSTEMATIC INTERNATIONAL FRAMEWORK FOR PROTECTION

36. As the Guiding Principles affirm, responsibility for ensuring the protection of internally displaced persons rests primarily with the national authorities. The Security Council recently has reaffirmed this in resolution 1265 adopted following the consideration of the issue of the protection of civilians in armed conflict. Yet, as the Secretary-General has pointed out in his report on this issue, it is also often the case that the guarantees found in international human rights law and humanitarian law for the protection of the displaced are disregarded. National authorities may even be unwilling to acknowledge the existence of internally displaced persons. They may also obstruct international efforts to assist and protect them. Non-State actors, for their part, often prove unwilling or unable to meet the protection needs of the displaced. Moreover, in many recent cases, combatants have relied on, and indeed profited from, civilian displacement. Under such circumstances, the internally displaced fall into a vacuum of national responsibility and become of concern to the international community.

37. The international response, however, has not been sufficiently effective, especially in the area of protection of physical safety and human rights. In his 1997 Programme for Reform, the Secretary-General underscored that providing protection and assistance to internally displaced persons is a humanitarian issue that continues to fall into the gap between the existing mandates of the various agencies. To be sure, and as detailed in last year's report to the Commission, a number of important steps have been taken towards filling that gap, especially through the framework of the IASC under the leadership of the ERC. Yet, as has been highlighted in the

Security Council's recent discussions of the protection of civilians in armed conflict, there remains a need to develop an agreed framework for providing protection to internally displaced persons more systematically.

A. Paper on the protection of internally displaced persons

38. An essential first step towards developing such a framework is a clear understanding of the meaning of protection for internally displaced persons. So concluded the High Commissioner for Human Rights, the Emergency Relief Coordinator and the Representative in a meeting held among them in 1998 to discuss their respective roles in ensuring protection for the internally displaced. A joint paper on the protection of internally displaced persons which subsequently was prepared by their offices and shared with the IASC-WG in January 1999 has since served as the basis for the preparation of an IASC-wide policy paper on the issue.[11] Endorsed by IASC in December 1999, this paper breaks important ground in the international response to internal displacement.

39. Confronted by the harsh reality of civilians suffering - and often being deliberately targeted with - grave violations of human rights of often-unimaginable scale and horror, it is now widely recognized that international responses to crisis situations must address not only assistance needs but also concerns of physical security. The establishment of human rights field presences in such situations reflects such concerns. However, the severely limited resources and access to populations in need that they face necessitate that other actors become actively engaged in protection as well. And yet, while many humanitarian and development organizations have come to be convinced of the need to broaden their activities in this direction, the precise nature of their protection role remains at an early stage of formulation. The IASC policy paper on the protection of internally displaced persons represents the first concerted attempt by international human rights, humanitarian and development organizations to grapple with this problem.

40. Drawing upon the meaning of protection for civilians in armed conflict and, by analogy, for refugees, the paper begins with what is a first attempt by the international community to define protection for internally displaced persons, based on the guarantees set out in the Guiding Principles. It then identifies a number of areas of activity aimed at ensuring that these standards are indeed met, including: dissemination and promotion of the Guiding Principles; advocacy; monitoring and reporting; early warning and response; supporting and strengthening local and national protection capacities; training on internal displacement; integrating protection in the design of assistance as well as return or resettlement and reintegration programmes; and the establishment of effective coordination mechanisms.

41. While reiterating that it is first and foremost the responsibility of national authorities to ensure protection for and provide assistance to the internally displaced and persons at risk of displacement, IASC also assigns a protection role to international agencies and NGOs by noting, for instance, that "[a]ll agencies providing humanitarian assistance to internally displaced persons have a responsibility to consider how the design and implementation of their assistance activities might best contribute to promoting protection of the internally displaced". In an annex to the paper, individual IASC organizations outline the protection role that they now play with the displaced. Recognizing that the scale and multifaceted nature of internal displacement crises

necessitate a collaborative approach among international actors, the IASC paper concludes by setting out basic principles aimed at increasing the predictability and comprehensiveness of response in specific country situations.

42. The formulation and adoption of the paper is an important step toward focusing attention on protection and encouraging greater international protection activities for internally displaced persons. As stated in its introduction, it "is part of a growing effort on the part of international organizations to address more proactively the needs of internally displaced persons, to assess and analyse those needs, and to act when the rights of internally displaced persons are being violated". Indeed, it will be in the responses of the international community to specific situations of internal displacement where the impact of this significant development at the policy level will be most important. The country-by-county review of the effectiveness of international coordination arrangements on internal displacement that has begun to be undertaken by OCHA should be most helpful in assessing the extent to which IASC policy translates into effective protection on the ground.

B. Global IDP Database

43. Another important development towards a more systematic response to the global crisis of internal displacement is the creation of a global information management system on internal displacement. The establishment of a mechanism for systematically collecting, receiving and disseminating information on internal displacement long has been advocated by the Representative and encouraged by the Commission. This past year, this project has come to fruition, most notably with the public launching on 10 December 1999 of the Global IDP Database. Out-sourced by IASC to NRC, the database is designed to serve as an information centre on internal displacement as well as a centralized archive of reference material on the issue. Specifically, it has the following objectives: to offer central access to information regarding internally displaced persons; to support the mandates of IASC, ERC and the Representative through the provision of up-to-date, accurate information on internal displacement in a standardized format; to assist humanitarian organizations in field operations by complementing existing information networks; to contribute to the harmonization of information management practices on internal displacement by promoting common standards for data collection, common definitions of indicators and standard methodology; to become a major NGO focal point for advocacy and information on the protection and assistance needs of the internally displaced; and to assist in measuring the impact of the Guiding Principles by monitoring situations of internal displacement worldwide.

44. The process of data collection is being conducted according to an incremental approach. In the first phase, information is being gathered from sources currently available in the public domain, including the country mission reports of the Representative. Phase two, which already has begun, involves a more proactive approach to data collection, in particular through the expansion of information sources and the development of an information network of focal points from national and international NGOs, United Nations agencies, academic institutions and regional organizations engaged in the issue of internal displacement. These focal points will be encouraged to submit information for inclusion in the database. Information-sharing frameworks with IASC members, including OHCHR, currently are being explored.

45. The database is organized into country profiles. These, in turn, are organized by themes, namely: the background and causes of displacement; population profiles and figures; patterns of displacement; protection concerns; subsistence needs; access to education; issues of self-reliance and public participation; documentation needs and citizenship; issues of family unity, identity and culture; property issues; patterns of return and resettlement; humanitarian access; and national and international responses. For each country, there exists a summary providing an overview of the findings in each of these thematic areas. Links to the sources cited in the country profile (including full-text electronic links where available) also are provided, making the database an invaluable research tool.

46. In December, the database was launched publicly on the Internet (www.idpproject.org) with 14 country profiles: Afghanistan, Angola, Azerbaijan, Bosnia and Herzegovina, Burundi, Colombia, Democratic Republic of the Congo, Myanmar (Burma), Peru, Sierra Leone, Somalia, Sri Lanka, Sudan and Uganda. Additional country profiles will continue to be added over the coming year and eventually all countries affected by internal displacement (currently estimated at over 50) are to be included. It is expected that country profiles regarding crisis situations will be updated regularly, while other situations will be revised at least twice a year.

47. Regularly updated information on situations of internal displacement is essential to ensuring that specific situations of internal displacement warranting the attention of the international community are not overlooked or forgotten. Having long advocated the development of an integrated information system on internally displaced persons and especially now, having seen a preview of the Database, the Representative is all the more convinced that a comprehensive global information system on internal displacement, as contained in the Database, is a prerequisite to enhancing responses to the needs of internally displaced persons worldwide. Financial support in order to enable the maintenance and further development of the Database is thus essential.

III. THE COUNTRY FOCUS

48. The effectiveness of developments in the response to the global crisis of internal displacement will be measured first and foremost by the actual conditions on the ground. Country missions provide the Representative with the opportunity to assess the conditions of the displaced firsthand and advocate for improvements. To date, the Representative has undertaken 14 country visits, to Azerbaijan, Burundi, Colombia (twice), El Salvador, Mozambique, Peru, the Russian Federation, Rwanda, Somalia, Sri Lanka, the Sudan, Tajikistan and the former Yugoslavia.

A. Follow-up mission to Colombia

49. This past year, the Representative undertook a follow-up visit to Colombia, two reports about which are presented as addenda 1 and 2 to this report. Since the Representative's first visit to Colombia in 1994, the situation of internal displacement has deteriorated significantly and now affects as many as 1.5 million persons. According to figures recently released by UNHCR, Colombia has the third largest population of internally displaced persons in the world, after the Sudan and Angola.[12] Moreover, the number of internally displaced in Colombia continues to grow. And yet, though the displacement problem is greater in numerical terms than in other

situations, such as East Timor, Kosovo or Chechnya, in Colombia it is essentially a "silent" crisis, suffering from insufficient attention at both the national and international levels. Having reassessed the situation first-hand and witnessed its rapid deterioration in recent years, the Representative is all the more convinced that this crisis simply must not continue to be overlooked.[13]

50. To be sure, in recent years the Government of Colombia has begun to undertake measures towards improving its response to internal displacement, including by increasing its awareness of the problem, recognizing violence as the cause of displacement, adopting legislation, designating institutional mechanisms to address the problem and inviting international assistance. Nonetheless, the Representative found that most of the recommendations of his 1994 visit (see E/CN.4/1995/50/Add.1) remain relevant today. The legislation adopted suffers from a lack of implementation as well as comprehensiveness in meeting the needs of the displaced. Institutional responsibilities, especially for protection and prevention, require clearer definition. Unreasonable rules govern the process by which the displaced become "certified" as such, with the effect of impeding for many their access to assistance, medical care, education and other public services. There remains a need for greater decentralization of responsibility, commensurate with resources, for the internally displaced.

51. As displacement is also now being used as a strategy of war, an end to the conflict is essential to halting the upward trend in the number of persons displaced in Colombia and to finding a durable solution for the hundreds of thousands already uprooted. In this connection, the peace process initiated by President Pastrana and his concurrence with the Representative that displacement should be made a key element of the human rights and humanitarian components of the peace process are bold and most welcome moves that merit international support. At the same time, measures must be taken to address the pressing and present needs of the internally displaced. Elements of a comprehensive strategy to this end should include: effective responses by the authorities to prevent and protect against arbitrary displacement, especially when this is forewarned; respect by combatants of international humanitarian law and the protection it provides for the civilian population; protection of the physical security of the displaced and those advocating on their behalf; timely and adequate assistance to address the needs of the displaced, including for food, water, shelter, medical care, documentation, education, training and income-generation, with special attention paid to the particular needs of women and children who make up the majority of the displaced; guarantees of physical safety for the return or resettlement of the displaced; and restitution or compensation for possessions, land and property lost as a result of displacement.

52. The international community, for its part, needs to enhance its response to what is clearly a humanitarian crisis. Of particular importance is an increased international presence in the country, especially outside of the capital, as a means of helping to protect against arbitrary displacement and to monitor conditions of safety in areas of return or resettlement. The work of ICRC and of the NGO Peace Brigades International already has proven that the presence of international personnel among populations at risk can have a protective effect. Greater international presence, especially in outlying areas, is required. The recent decision of UNHCR to expand its presence beyond Bogotá through the establishment of three field offices is thus a most welcome initiative. OHCHR is encouraged, as the Representative previously has recommended, to actively explore with the Government the possibility of doing likewise.

53. The need to increase international presence was among the recommendations that the Representative made to IASC-WG in its recent discussion on the situation of internal displacement in Colombia. Other main recommendations to the international community were to recognize the situation as a humanitarian crisis and to ensure greater attention to protection and assistance needs. OCHA, which had accompanied the Representative on his mission, presented IASC-WG with a report containing recommendations for improving international coordination arrangements to address the plight of the internally displaced. Following an in-depth discussion of the findings and recommendations of the Representative and OCHA, IASC-WG noted that the humanitarian component of the country team should be strengthened. It encouraged OCHA to provide support to UNHCR in facilitating inter-agency coordination on internal displacement. Furthermore, IASC-WG acknowledged the fundamental role played in Colombia by ICRC and stressed the importance of avoiding duplication of efforts, especially regarding protection and the dissemination of international humanitarian law. In an important development following this discussion, two OCHA professionals whose function will be to support UNHCR in facilitating coordination of the international response to the situation of internal displacement are expected to be in place in early 2000.

54. It is to be hoped that the full set of the Representative's recommendations to the Government and the international community for addressing the situation of internally displaced in Colombia more effectively will be given due regard and implemented without delay. The Commission has thanked Governments, which have invited the Representative to visit their countries, and encouraged them to follow up on his recommendations and suggestions and to make available information on measures thereon.

B. Follow-up on visit to Azerbaijan

55. Last year, the Representative presented to the Commission a report on his mission to Azerbaijan, undertaken in May 1998 (E/CN 4/1999/79/Add.2). At the time of the Commission's consideration of the report, the Representative met in Geneva with government officials to discuss the findings of the report and receive information on developments since the mission. The Representative was informed that on 17 September 1998, the President of Azerbaijan issued a decree setting out the Government's revised strategy for addressing the plight of the hundreds of thousands of persons internally displaced in the country. Two new developments are of particular note. First, internally displaced persons residing in camps, settlements or public buildings who originate from areas that are still partially occupied are to be offered the opportunity to relocate to compact settlements in the "liberated" parts of these districts, and thus close to their home areas, and with access to land suitable for farming and the raising of livestock. Second, the living conditions of those internally displaced persons remaining in camps and public buildings are to be improved by creating income-generating opportunities and, where needed, continued provision of humanitarian assistance. These developments are in keeping with a number of the Representative's recommendations, including that: durable solutions, including resettlement and self-reliance, be supported; income-generating opportunities be created; and humanitarian assistance continue to be provided to those in need.

56. Further rethinking of the national as well as international response to internal displacement, in particular to support more durable solutions, occurred in the context of a meeting convened jointly by the Government, United Nations organizations and the World Bank.

The convening of such a meeting among relevant government officials, international humanitarian and development agencies, and the diplomatic community for the purpose of devising a common strategy for meeting the immediate, medium and long-term needs of the internally displaced was among the key recommendations of the Representative's mission.

57. The Representative is encouraged by these developments and looks forward to receiving more detailed information on their implementation, in particular in preparation for the workshop on internal displacement in the South Caucasus in which he will be participating in May.

C. Future missions

58. Looking ahead, a number of country missions are planned for the coming year. A joint mission to Georgia and Armenia, which was scheduled to have taken place in the autumn of 1999 but was postponed at the request of the Government of Georgia, is to take place in May 2000, following the seminar on internal displacement in the South Caucasus.

59. In February, the Representative is planning to undertake a mission to East Timor, as requested by the Commission at its special session on this situation. The Commission, in its resolution S-4/1, expressed deep concern at the widespread forced removal and dislocation of persons to West Timor and other nearby areas and at the serious humanitarian situation of the displaced East Timorese, particularly children and other vulnerable groups, who have been deprived of food and access to basic health services. It called upon the Government of Indonesia to guarantee the voluntary return of all refugees and displaced persons, including those who have been forcibly displaced to camps in West Timor, and to ensure immediate access by humanitarian agencies to displaced persons, with guarantees for the security and free movement of humanitarian personnel. Although the return process has since gotten under way, a number of the Commission's concerns, especially relating to humanitarian access to displaced persons in camps in West Timor, remained relevant at the end of 1999. The Representative will share the findings of his mission with the Commission at its current session (addendum 3 to the present document).

60. As indicated in last year's report, the Representative has written to the Governments of Angola and Turkey to request an invitation to study first-hand the situation of internal displacement in those countries. This past year, the Representative submitted a similar request to the Government of Mexico. He has also indicated his interest in undertaking a follow-up visit to Sri Lanka. To date, responses to these requests have not been received. The Commission has called upon all Governments to facilitate the activities of the Representative, in particular those Governments facing situations of internal displacement which have not yet extended invitations or responded positively to requests from the Representative for information.

D. Statements of concern: Kosovo, East Timor, Chechnya

61. As noted to the Commission on previous occasions, the countries upon which the Representative has been able to focus attention through country visits are, paradoxically, those that acknowledge the problem and are cooperative insofar as they permit the Representative to

study it first-hand. And yet, countries with serious situations of internal displacement that deny the problem or bar access cannot shield themselves completely from international scrutiny. Indeed, refusing access often tends to have the opposite effect by giving greater cause for concern that gaps exist in the Government's response, thereby only heightening the need for international attention. To draw attention to such situations, different approaches are required (see sect. IV below). One approach that the Representative has begun to use is the issuance of statements of concern.

62. At the time of the Commission's consideration of this agenda item last year, the Representative issued a public statement calling for greater attention to what was referred to as the "hidden side" of the Kosovo tragedy.[14] While world attention was gripped - and rightly so - with moving images of mass exodus from Kosovo, into Albania and the former Yugoslav Republic of Macedonia, beyond the range of the television cameras were hundreds of thousands of internally displaced persons trapped inside Kosovo who desperately needed international protection and assistance, and many of whose tragic fate is now only being discovered. Thus, though the crisis in Kosovo rose to the top of the international agenda and elicited an unprecedented forceful response by outside States, it also revealed a critical gap in the international protection for internally displaced persons.

63. The Kosovo crisis also laid bare the selectivity of international responses to situations of forced displacement, and in two important ways. First, in the global sense, overriding regional interests meant that an unprecedented amount of attention and assistance were devoted to this crisis while others further afield, especially in Africa, continued to suffer from a severe lack of resources. Secondly, events subsequent to the mass exodus of Kosovar Albanians last spring have reinforced the need for increased security and reconciliation in societies wracked by ethnic violence if further displacement is to be avoided: while most of the refugees rapidly returned over the course of the summer, this was followed by the mass displacement of ethnic Serbs and Roma, whose right to remain in safety and to return also warrants international concern.

64. In the case of East Timor, on 8 September 1999 the Representative, along with a number of other thematic mechanisms of the Commission, namely the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on torture and the Chairman-Rapporteur of the Working Group on Arbitrary Detention, issued a joint urgent appeal to the Government of Indonesia as well as a press statement on the situation.[15] Concern was expressed about the massive violations of human rights occurring in East Timor and the alleged collusion between elements of the security forces and the militias. Particular reference was made to the information received on the occurrence of killings, the widespread infliction of torture and other forms of ill-treatment, involuntary or enforced disappearances, the forced displacement of some 200,000 persons at the time and reports of individuals being prevented from fleeing. Attention was drawn, inter alia, to the Guiding Principles on Internal Displacement, with specific reference to their provision for protection against arbitrary displacement, protection and assistance during displacement, safe return and resettlement, and access to humanitarian assistance. Information was requested of the Government on steps taken to ensure the protection of the right not to be arbitrarily displaced, the right to physical and mental integrity and the right to life. To date, no answer has been received from the Government.

65. On 20 December 1999, the Representative issued a statement on the situation in Chechnya, which had at the time resulted in the forcible displacement of more than 250,000 persons.[16] Given that the overwhelming majority of the displaced remained within the borders of the Russian Federation, principally in Chechnya and Ingushetia, the Representative emphasized that responsibility for meeting their assistance and protection needs rests first and foremost with the Government of the Russian Federation. The Representative therefore called upon the Government to assume this responsibility and to address a number of concerns regarding their protection and safety and access to adequate supplies of basic essentials such as food, clothing, medical care and adequate shelter in Ingushetia and Chechnya. The Representative called upon the Russian authorities to observe the Guiding Principles on Internal Displacement. Subsequently, in January, the Representative met with representatives of the Government in New York to discuss the concerns raised in his statement and the situation of internal displacement resulting from the conflict in Chechnya. The Representative was provided with written information concerning Russia's military operations in the region and on the response of the Government in the humanitarian area to the conflict situation.

IV. EXPLORING NEW ISSUES

66. Although the major task of studying the global crisis of internal displacement and existing legal and institutional frameworks for addressing it is largely complete, there nonetheless remain areas where additional research and thinking are required, several of which are outlined in the following paragraphs.

67. First, there is a need for strategic thinking on how to approach the problem of internal displacement when it occurs in countries that either do not acknowledge the problem or do not permit international involvement with displacement within their borders. Clearly, it is not acceptable that countries experiencing serious problems of internal displacement should be able to evade international scrutiny and, in some cases, also deny their internally displaced populations international assistance and protection. This issue was explored at a conference co-sponsored by the Brookings Institution Project on Internal Displacement and USCR in Washington, D.C. in January 1999. Bringing together representatives of United Nations agencies, NGOs and academic institutions, the discussions focused on the situations of internal displacement in Algeria, India, Myanmar and Turkey, on which background papers had been prepared. The country report on Turkey has since been published by USCR under the title, The Wall of Denial: Internal Displacement in Turkey, and contains a series of recommendations for the Government and the international community for more effectively addressing the problem.[17] Reports on India and Myanmar are forthcoming. In addition, an article about the conference will be published in the Forced Migration Review in January 2000.

68. Another subject requiring exploration is how to address the problem of internal displacement in areas not under government control. In particular, questions of how to hold non-State actors accountable to international standards and principles arise. The Guiding Principles recognize not only States but all other authorities, groups and persons as having responsibilities for protecting and assisting internally displaced populations. However, effective strategies for disseminating and promoting application of the Principles among non-State actors

still need to be developed. This issue has begun to be discussed in the context of the regional seminars on the Guiding Principles, for instance at the Addis Ababa workshop where the expertise of ICRC in this regard was drawn upon.

69. Further deliberation on the issue has taken place in the context of a workshop on the responsibilities of armed groups towards civilians, which was convened in Geneva in December 1999 by the Henri Dunant Centre for Humanitarian Dialogue, in cooperation with the Human Security Programme of the Harvard Centre for Population and Development Studies. The workshop, in which the office of the Representative participated, brought together representatives of Governments, United Nations agencies, the Red Cross Movement and NGOs to consider three main questions related to the role of non-State actors in the protection of civilians: how to ensure compliance with humanitarian principles; how to enforce such principles in cases of violations; and how to negotiate humanitarian access. Promoting the compliance of non-State actors with the Guiding Principles on Internal Displacement will be examined by the Brookings Institution Project this year.

70. A third theme of ongoing research explores donor policies towards the issue of internal displacement, in particular by examining the nature of the specific activities they fund, through bilateral and multilateral assistance, for addressing the plight of internally displaced persons. As a first step, the Brookings Institution Project commissioned a paper on the response of the United States Government to internal displacement.[18] The paper was reviewed at a meeting with representatives of the United States Government, in which the Representative participated, and which was held in Washington, D.C. in September 1999 and co-hosted by the Brookings Institution Project and USCR. Among the paper's recommendations are: the holding of congressional hearings to identify gaps in the United States Government's response; an executive branch policy directive to clarify United States objectives and institutional responsibilities; and the selection of a lead government institution to promote a coordinated response plan when there are situations of massive internal displacement. Further consultations are being held with United States Government officials about these recommendations within the framework of the Government's review of its humanitarian response structure. Through these consultations, officials are becoming increasingly sensitized to the need to integrate internal displacement more fully into human rights, humanitarian and development initiatives. Similar activities regarding other donors are envisaged for the coming year.

71. The particular needs of internally displaced women and children continue to be relevant as women and children constitute the majority of internally displaced populations. The Commission, it should be noted, has welcomed the specific attention paid by the Representative, over the course of his mandate, to the special assistance, protection and development needs of internally displaced women and children and has encouraged him to continue to draw attention to these needs. Most often this occurs in the context of country missions, during which the Representative makes a point of meeting with internally displaced women separately to discuss with them their specific concerns and those of their children. The mission report on Colombia (addendum 2), for example, contains information and recommendations in this regard.

72. Still, more systematic and in-depth attention to the special needs of women and children and to the strategies for addressing such concerns is required. To this end, sessions of the regional workshops and seminars on internal displacement are being devoted to the special needs

of internally displaced women and children. Another important initiative was the Expert Meeting on Gender Dimensions on Internal Displacement that was hosted by UNICEF in June 1999, and in which the office of the Representative participated.[19] Also relevant is the work this past year of the IASC sub-working group on Gender and Humanitarian Assistance, in which the office of the Representative participated. The background paper, entitled "Mainstreaming gender in the humanitarian response to emergencies", prepared by the sub-working group and presented to IASC, devotes considerable attention to the issue of internal displacement, as does the policy statement on the issue that was subsequently adopted by IASC. It will be important for the IASG-WG to build upon these initiatives in the course of its work on recommending ways and means to promote more effective assistance and protection to internally displaced persons, in particular the vulnerable groups among them, including certain categories of women and children. Disabled internally displaced persons as well as those in need of psychological counselling are still other vulnerable groups among the displaced to whom the Representative plans to devote greater attention.

73. An additional issue requiring exploration concerns the subject of political participation. In the first part of the Compilation and Analysis of Legal Norms it is observed that among the many deprivations they face, internally displaced persons are often denied the opportunity to participate in governmental and community affairs, and that their loss or confiscation of identification papers and/or property may be a contributing factor.[20] The ability to participate in governmental and public affairs can have important implications in enabling internally displaced persons to influence and possibly ameliorate the authorities' responses to their needs. The office of the Representative currently is preparing a research paper on this critical but largely overlooked issue. The paper, which will be published by the Brookings Institution Project on Internal Displacement, will be particularly relevant to the Representative's upcoming mission to Georgia, where voting rights for internally displaced persons are of concern, as well as to the regional seminar on internal displacement in the South Caucasus which will also be examining the issue of political participation.

74. The issue of housing and property restitution for internally displaced persons is yet another area requiring additional research. The Sub-Commission has noted the importance of this issue confirming that the adoption or application of laws which are designed to or result in the loss or removal of tenancy, use, ownership or other rights connected with housing or property, the active retraction of the right to reside in a particular place, or laws of abandonment employed against refugees and internally displaced persons pose serious impediments to the return and reintegration of refugees and internally displaced persons and to reconstruction and reconciliation (resolution 1998/26). It has urged all States to ensure the free and fair exercise of the right to return to one's home and place of habitual residence by all refugees and internally displaced persons and to develop effective and expeditious legal, administrative and other procedures to this end, including fair and effective mechanisms designed to resolve outstanding housing and property problems.

75. The Commission, in its resolution 1999/47 on internally displaced persons, noted the Sub-Commission's resolution and encouraged it to continue its work on this matter. Noteworthy in this regard is the invitation of the Sub-Commission to UNHCR, in consultation with OHCHR, to develop policy guidelines to promote and facilitate the right of all refugees and, if appropriate to UNHCR's mandate, internally displaced persons, to return freely, safely and voluntarily to

their homes and places of habitual residence (resolution 1998/26). To this end, in November 1999 UNHCR convened an expert consultation on housing and property restitution issues for refugees and internally displaced persons. The office of the Representative participated in this meeting and distributed an informal note identifying, on the basis of the Compilation and Analysis, the pertinent legal norms for the internally displaced and providing examples of relevant findings from the Representative's country visits.

76. Looking ahead, concerns relating to housing and property restitution will be examined during the Representative's mission to Georgia, where the secondary occupancy of the homes of internally displaced persons presents a major obstacle to durable solutions. These issues will also be discussed within the context of the regional seminar on internal displacement in the South Caucasus.

V. FUTURE DIRECTIONS FOR THE MANDATE

77. In last year's report to the Commission, reference was made to a series of consultations held under the auspices of the Brookings Institution Project to discuss new strategies and directions for the work of the mandate. This broad-based process, which benefited from the expertise and insight of experts and officials engaged with the issue of internal displacement from both inside and outside the United Nations, put forth a number of innovative ideas, from which the Representative has reached two main conclusions. First, there is a need to intensify the focus on specific situations of internal displacement, including by increasing the number of country visits and focusing greater attention on follow-up to the recommendations made. To this end, the Representative, whose post is part-time and voluntary, plans to devote more time to the mandate in the year 2000 with the concurrence of the Brookings Institution where he serves as Senior Fellow for Africa. He is also in the process of seeking additional support to enable him to undertake more than the two to three missions that the budget of OHCHR for the special procedures mechanisms of the Commission allows. Second, as a related point, additional staff support is required to support the Representative's activities. In this connection, the Representative is grateful to the Government of Norway for its support of a research assistant to his mandate and to UNHCR for recently having seconded for the period of one year a Professional, based in OCHA, to support the activities of the mandate in New York. The ongoing support of the Brookings Institution Project continues to be invaluable to the work of the mandate, most notably in the sponsorship, with the support of United Nations agencies, regional organizations and NGO partners, of the seminars and workshops on the Guiding Principles, and in identifying and exploring new areas of needed research.

VI. CONCLUSION

78. Building upon the awareness that has been raised about the global crisis of internal displacement, the international community must now devote its attention to ensuring that the Guiding Principles, widely recognized as requiring observance in situations of internal displacement, are systematically applied. The time has come to go beyond ad hoc responses and to agree on a clear legal and institutional framework for protecting internally displaced persons. Their precarious plight, as highlighted in the country situations in this report and in the unpredictability of national and international responses, underscore the urgency of translating the normative and institutional frameworks created thus far into actual protection on the ground.

Such is the challenge that the mandate of the Representative and its partners in the United Nations system, regional organizations, the non-governmental community and governmental sphere face in the years to come.

Notes

[1] See, respectively, General Assembly resolutions 53/128 and 53/125.

[2] The compilation and analysis of legal norms was published as: E/CN.4/1996/52/Add.2, (also as Internally Displaced Persons: Compilation and Analysis of Legal Norms, Human Rights Study Series No. 9, United Nations publication, sales No. E.97.XIV.2) and E/CN.4/1998/53/Add.1.

[3] Available on http://www.redcross.alertnet.org/en/conference/proceedings.asp.

[4] See, for example, Inter-American Commission on Human Rights, Third Report on the Human Rights Situation in Colombia (26 February 1999), chap. VI.

[5] See, for example, the following reports by Amnesty International: FEDERAL REPUBLIC OF YUGOSLAVIA. A Human Rights Crisis in Kosovo Province, Document Series B: Tragic Events Continue No. 4: The Protection of Kosovo's Displaced and Refugees, AI Index 70/73/98 (October 1998); UGANDA. Breaking the Circle: Protecting Human Rights in the Northern War Zone, AI Index AFR 59/01/99 (17 March 1999); EAST TIMOR. Seize the Moment, AI Index ASA 21/49/99 (21 June 1999); MYANMAR. Aftermath: Three Years of Dislocation in the Kayah State, AI Index ASA/16/14/99 (June 1999); RUSSIAN FEDERATION: CHECHEN REPUBLIC. Humanity is Indivisible, AI Index EUR 46/38/99 (November 1999).

[6] See Ecumenical Commission for Displaced Families and Communities (ECDFC) Monitor, vol. 13, No. 6 (November-December 1998), pp. 12-17.

[7] Refugee Survey Quarterly, vol. 18, No. 1 (UNHCR Centre for Documentation and Research and Oxford University Press, 1999).

[8] Memorias: Seminario de divulgación en Colombia de los Principios Rectores de los Desplazamientos Internos, Santa fé de Bogotá, 27 al 29 de mayo, 1999 (Santa fé de Bogotá: Editorial Códice, 1999).

[9] See A Workshop on the Guiding Principles on Internal Displacement, 29 to 31 March 1999, Kampala, Uganda: Final Report (Norwegian Refugee Council, 1999).

[10] A full workshop report, to be published by the co-organizers, is forthcoming.

[11] The paper is to be published by OCHA in early 2000.

[12] UNHCR, "Principal countries for the world's internally displaced persons", Refugees, vol. 4, No. 117 (1999), p. 16.

[13] See Francis M. Deng, "Don't Overlook Colombia's Humanitarian Crisis", Christian Science Monitor (6 October 1999).

[14] "Secretary-General's Representative calls internally displaced persons hidden side of Kosovo tragedy", press release HR/99/29 (16 April 1999).

[15] "United Nations experts call on Indonesia to ensure protection of rights of East Timorese", press release HR/99/85 (8 September 1999).

[16] "Representative of the Secretary-General on internally displaced persons calls on the Russian authorities to observe the Guiding Principles on Internal Displacement", press release HR/99/121 (20 December 1999).

[17] The Wall of Denial: Internal Displacement in Turkey (Washington, D.C.: U.S. Committee for Refugees, 1999).

[18] James Kunder, "The U.S. Government and Internally Displaced Persons: Present, But Not Accounted For", (Washington, D.C.: Brookings Institution and U.S. Committee for Refugees, November 1999).

[19] UNICEF, Expert Meeting on Gender Dimensions of Internal Displacement, New York, 14-15 June 1999 (New York: UNICEF, Office of Emergency Programmes, 1999).

[20] Internally Displaced Persons: Compilation and Analysis of Legal Norms, op. cit., para. 350.